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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,029

12/02/2003

Marcel Meier

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EXAMINER

HANAN, DEVIN J

ART UNIT

PAPER NUMBER

3745

NOTIFICATION DATE

DELIVERY MODE

10/22/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/725,029

Applicant(s)

MEIER ET AL.

Examiner

Devin Hanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/15/2007 as arguments.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,6,8-11,14,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,10-11, 14-15 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 4,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see remarks, filed 8/15/2007, with respect to the rejection(s) of claim(s) 4 and 18 under 35 USC 102 have been fully considered and are persuasive. The arguments with respect to claims 8-9 and 17 are **not** persuasive. The applicant argues the McEachern et al. patent does not show and radially inwardly facing seats on the heat protection wall. The examiner notes that part 50 rests on a dome created by bolt hole 74 on the opposite side of bolt hole 74. McEachern does not specifically mention a seat, but the dome does provide resistance to the movement of part 50 in the radially inward and outward direction. Also, where part 50 and part 60 contact bearing housing 72 there are seatings that are oriented radially inwards. This seating is also taken to be an encircling edge.

Additionally, applicant argues that a means for centering is not discussed by McEachern and that function would not be found in the turbine. The examiner notes that a means for centering is a very obvious feature on any kind of heat shield formed around a shaft. A heat shield without means for centering would have gaps causing unequal insulation, would allow for movement of the heat shield to interfere with the turbine wheel and permit heat shield movement which causes unnecessary noise and vibration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-9, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by McEachern et al. (U.S. Patent 5,403,150).

McEachern et al. disclose a heat protection wall (fig 2, 60) for an exhaust gas turbine, the exhaust gas turbine having a turbine casing (76), a shaft (14) rotatably mounted in a bearing housing (40), and a turbine wheel (18) arranged on a shaft, and the heat protection wall (the combination of 50 and 60) defining with the turbine casing an inflow passage (passage originating from scroll 19 and partly defined by 60) leading to the turbine wheel, wherein the heat protection wall has means for centering (60 has hole 62 and protrusion 63 and part 52 has hole 52 and seats contacting part 70) the turbine casing relative to the shaft, and one seating facing radially inwards (one of the axially extending annular walls next to 74 and 78 faces inwards).

Regarding claim 9, McEachern et al. disclose all of the claimed limitations as discussed in claim 4 above and disclose the seating is an encircling edge (the seating next to bearing housing 72 is annular).

Regarding claim 17, McEachern et al. disclose all of the claimed limitations as discussed in claim 5 above and the heat protection wall has a higher CTE than the

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turbine casing (heat protection was is made of Inconel 713LC, col. 3 line 25 and the housing is made of stainless steel, col. 3 line 39)..

***Allowable Subject Matter***

Claims 4, 6, 10-11, 14-15 and 18-20 are allowed.

***Additional Prior Art***

The patents to LaRue (U.S. Patent 6,338,614) is cited for its showing of heat protection walls (next to pinwheel 8) with multiple seatings.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Hanan whose telephone number is 571-272-6089. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on 571-272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Devin Hanan  
Patent Examiner  
Art Unit 3745

  
**NINH H. NGUYEN**  
**PRIMARY EXAMINER**  
10/15/07